



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,950	02/04/2004	Matthew D. Ferris	2316.1602USD1	5318

7590

02/09/2006

Attn: Robert A. Kalinsky
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/772,950	Applicant(s) FERRIS ET AL.	
	Examiner Korie H. Chan	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 41 stands rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,450,458 B1 to Bernard. The present invention reads on Bernard'458 as follows: Bernard teaches a method for use of a coupler (100) and trough system (200, 210) including first and second trough members (200, 210). The method comprises the steps of providing a terminal end of the first trough member (200) coupled to the coupler (100) and a terminal end of the second trough member (210) is coupled to the coupler. The terminal ends were inserted in a longitudinal direction into first and second spaces (150, 150) defined by the coupler. The first trough member is held to the coupler with a first spring portion (310) and the second trough member is held to the coupler with a second spring portion (310). Releasing the first spring portion to release the terminal end of the first trough member without releasing the terminal end of the second trough member from the first spacing.

Claims 42 and 43 stand rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain patent No. 1,342,08 to Cory. Cory teaches the method for use of a coupler (11) and trough system (10) including first and second trough members (10, respectively). The method comprises the steps of providing a terminal end of the first trough member coupled to the coupler and a terminal end of the second trough member coupled to the coupler. The terminal ends are inserted in a longitudinal direction into

Art Unit: 3632

first and second spacings (defined between 12 and 11) defined by the coupler.

Releasing a plurality of first locking elements (all the raised portion 19 on the right side of the coupler, note that there are locking element springs 12 with raised portions 19 on each of the side walls of the coupler and a locking element spring 12 on the bottom connecting wall as best seen in figure 1) on the coupler in a direction perpendicular to the longitudinal direction to release a plurality of first springs (12, all the spring portions 12 on the right side of the coupler 11) from a locking position to release the terminal end of the first trough member (trough member to the right of the coupler 11) without releasing the terminal end of the second trough member (trough member on the left of the coupler 11). Removing the terminal end of the first trough member from the first spacing so that the terminal end of the first trough member slides past the first plurality of springs. Releasing a plurality of second locking elements (all raised portion 19 on the left side of the coupler) on the coupler in a direction perpendicular to the longitudinal direction to release a plurality of second springs (12 all the spring portions 12 on the left side of the coupler 11) from a locking position to release the terminal end of the second trough member. Removing the terminal end of the second trough member from the second spacing so that the terminal end slides past the second plurality of springs.

Claims 25 and 26 are allowed.

Response to Arguments

Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive. Applicant's argument that Bernard's assembly releases both

Art Unit: 3632

ducts when the clip 300 is released by removing fastener 400. Examiner does not disagree with applicant's assessment of the workings of Bernard. However, applicant's claimed language does read on the Bernard reference. Claim 41 recites that "releasing the first spring portion to release the terminal end of the first trough member... (which applicant agrees that Bernard does do when the fastener 400 is removed, the first duct is released from the coupler) ...without releasing the terminal end of the second trough member (it is noted that the ducts of Bernard can be removed one at a time. When the first duct is released from the spring portion, the second duct is still within the space and thus is not released from the space of the coupler". Consequently, the language of the claim 41 is met by Bernard's reference.

Regarding Cory reference in the rejection of claims 42 and 43, applicant argues that Cory does not show releasing retaining member 12 from locating member 11. Cory shows the coupler as piece 11 with springs 12 and locking elements 19 which is a raised portion that is released by pulling the raised portion 19 in a perpendicular direction away from hole 20 on trough member 10 in order to release the trough member 10 grip of the spring portions 12 on the trough members. And each trough member 10 on either side of the coupler 11 can be individually without removing the other. Consequently, Cory also meets the limitations of claims 42 and 43.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
February 6, 2006

